

Unofficial Draft Copy

As of: March 26, 2009 (JUDITH)

FOR HB228

LC6666

CAWCHIT NO. 53

**** Bill No. **** 3/27/09

Introduced By ~~SEN. JUDITH~~ HB228

By Request of the *****

(grey bill)
alternative
for a madman
to 45-3-103

A Bill for an Act entitled: "An Act ."

Shockley's
COLORADO
LANGUAGE:

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 45-3-103, MCA, is amended to read:

"45-3-103. Use of force in defense of occupied structure or dwelling. A (1) (a) Except as provided in subsection (2), a person is justified in the use of force or threat to use force against another when and to the extent that he the person reasonably believes that ~~such conduct~~ the use of force is necessary to prevent or terminate ~~such~~ the other's unlawful entry into or attack upon an occupied structure. ~~However, he~~

(b) A person justified in the use of force pursuant to subsection (1) (a) is justified in the use of force likely to cause death or serious bodily harm only if:

~~(1)(i)~~ (i) the entry is made or attempted ~~in violent, riotous, or tumultuous manner~~ and he the person reasonably believes that ~~such~~ the force is necessary to prevent an assault upon ~~or offer of personal violence to him~~ the person or another then in the occupied structure; or

~~(2)(ii)~~ (ii) he the person reasonably believes that ~~such~~ the force is necessary to prevent the commission of a forcible felony

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in the occupied structure.

lawful?
legitimate
(2) Any occupant of a dwelling is justified in using any degree of physical force, including deadly force, against another person if:

(a) that other person has made an unlawful entry into the dwelling;

(b) the occupant has a reasonable belief that the other person:

(i) has committed a crime in the dwelling in addition to the unlawful entry; or

(ii) is committing or intends to commit a crime against a person or property in addition to the unlawful entry; and

(c) the occupant reasonably believes that the other person might use any physical force, no matter how slight, against any occupant of the dwelling."

{ Internal References to 45-3-103:
ok 45-3-105* }

- END -

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Marty Lambert opposes disorderly conduct alone suff. to bill
needs reciprocity